

AMENDED IN SENATE AUGUST 28, 2001

AMENDED IN SENATE JULY 9, 2001

AMENDED IN ASSEMBLY MAY 31, 2001

AMENDED IN ASSEMBLY MAY 16, 2001

AMENDED IN ASSEMBLY MAY 1, 2001

AMENDED IN ASSEMBLY APRIL 17, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 55

Introduced by Assembly Members Shelley and Hertzberg
(Coauthors: Assembly Members Aroner, Chavez, Liu, and
~~Lowenthal~~ Lowenthal, and Steinberg)

December 4, 2000

An act to amend Sections 2224, 12302, 14217, 19205, and 19340 of, to add ~~Section~~ *Sections 2275 and 14228* to, to add Chapter 5 (commencing with Section 2300) to Division 2 of, to add Division 4.5 (commencing with Section 4500) to, to add Chapter 5 (commencing with Section 12500) to Division 12 of, and to add Chapter 5 (commencing with Section 14500) to Division 14 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 55, as amended, Shelley. Elections: voting: reform and modernization.

Existing law authorizes county elections officials to send an alternate residency confirmation postcard to any voter who has neither voted

within the preceding 4 years nor updated his or her voter registration information.

This bill would impose a state-mandated local program by requiring county elections officials to send an alternate residency confirmation postcard to any voter who has failed to vote or update his or her registration information for 4 years.

Existing law permits the Department of Motor Vehicles to establish guidelines for registering voters while they complete their motor vehicle transactions.

This bill would require the department to implement specified procedures to register voters at Department of Motor Vehicles branch offices.

This bill would impose a state-mandated local program by requiring county elections officials to assist the Department of Motor Vehicles in registering voters.

Existing law provides for voting at polling places, by absentee ballot, and in mail ballot elections.

This bill would provide that voters and the public have specified rights, and would require a list of these rights to be made available to the public before each election and on election day, as provided. The bill would impose a state-mandated local program by increasing the duties of local elections officials.

This bill would require the Secretary of State to provide assistance to counties to modernize the counties' voting process. The bill would require the Secretary of State to develop criteria to be used to evaluate county requests for modernization assistance. The bill would require the Secretary of State to submit county requests for modernization assistance to the Voting Modernization Commission, created by the bill, and would require the commission to consider and evaluate each request using the criteria developed by the Secretary of State and to submit its recommendations to the Secretary of State for appropriate action.

This bill would require the Secretary of State to establish a statewide voter education media campaign.

This bill would state the intent of the Legislature to enact legislation to codify uniform recount guidelines, reform the current "motor voter" process, and establish a mechanism to implement complete mandatory voter file maintenance in counties.

This bill would establish an Online Voting Program under the direction of the Secretary of State. The program would ensure that the



use of an online voting system is viable, accurate, secure, fair, effective, and accepted by the public as a supplementary method of voting in local elections held in whole or in part within a participating county. The program would allow voters to engage in online voting using a computer at any one of various county-controlled polling places within the participating county. This bill would require the Secretary of State to authorize counties to participate in the program in accordance with criteria developed by the Secretary of State. The bill would provide that participation by an authorized county in the program is voluntary and subject to approval by the county's board of supervisors.

This bill would require the Secretary of State to establish standards for online voting systems for purposes of the program, certify an online voting system for use by an authorized county, and develop procedures for online voting under the program.

This bill would require poll workers to receive specified training. The bill would require that voting materials provided to voters at the polling place be made available in large type size on the request of a visually impaired voter. The bill would require polling places to have wheelchair and stroller access, and be accessible to physically disabled voters pursuant to specified federal law. By increasing the duties of local elections officials, the bill would impose a state-mandated local program. This bill would also require the Secretary of State to conduct a study to determine the feasibility of extended polling hours, 2-day elections, and weekend voting.

Existing law permits no more than two students per precinct to serve on a precinct board under the direct supervision of precinct board members.

This bill would increase that number to permit no more than five students per precinct to serve on a precinct board.

Existing law requires that, if the precinct board is unable to locate a voter's name on the index of registration and cannot call the elections official's officer on behalf of the voter, the board must provide the voter with a card containing the elections official's telephone number and direct the voter to the nearest telephone.

This bill would eliminate the requirement that the voter be directed to the nearest telephone and would instead require the precinct board to provide a voter with a provisional ballot.

Existing law requires the Secretary of State to establish specifications for, and regulations governing, voting machines, voting devices, vote tabulating devices, and related software.



This bill would provide that the criteria for establishing these specifications and regulations shall include the requirement that the system and its parts provide a practical and effective means for voters with physical disabilities to cast a secret ballot: *and permit voters to engage in “second chance voting.”*

Under existing law, a member of a precinct board who has not previously attended a training class in the use of the voting machines and the duties of a board member is required to do so, unless appointed to fill an emergency vacancy.

This bill would require, if new technologies for voting systems are certified by the Secretary of State for use in a county, that a member of a precinct board located in that county attend a training class in the use of the new technologies once the new system is acquired.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2224 of the Elections Code is amended
2 to read:
3 2224. (a) If a voter has not voted in any election within the
4 preceding four years, and his or her residence address, name, or
5 party affiliation had not been updated during that time, the county
6 elections official shall send an alternate residency confirmation
7 postcard. The use of this postcard may be sent subsequent to
8 NCOA or sample ballot returns, but shall not be used in the
9 residency confirmation process conducted under Section 2220.
10 The postcard shall be forwardable, including a postage-paid and
11 preaddressed return form to enable the voter to verify or correct the



1 address information, and shall be in substantially the following
2 form:

3 “If the person named on the postcard is not at this address,
4 PLEASE help keep the voter rolls current and save taxpayer
5 dollars by returning this postcard to your mail carrier.”

6 “IMPORTANT NOTICE”

7 “According to our records you have not voted in any election
8 during the past four years, which may indicate that you no longer
9 reside in ____ County. If you continue to reside in this county you
10 must confirm your residency address in order to remain on the
11 active voter list and receive election materials in the mail.”

12 “If confirmation has not been received within 15 days, you may
13 be required to provide proof of your residence address in order to
14 vote at future elections and, if you do not appear or offer to vote
15 at any election in the period between the date of this notice and the
16 second federal general election after the date of this notice, your
17 voter registration will be cancelled and you will have to reregister
18 in order to vote. If you no longer live in ____ County, you must
19 reregister at your new residence address in order to vote in the next
20 election. California residents may obtain a mail registration form
21 by calling the county elections office of the Secretary of State’s
22 Office.”

23 (b) The use of a toll-free number to confirm the old residence
24 address is optional. Any change to a voter’s address shall be
25 received in writing.

26 (c) Any county using the alternate residency confirmation
27 procedure shall notify all voters of the procedure in the sample
28 ballot pamphlet or in a separate mailing. The voter shall be given
29 an opportunity to vote at a statewide primary or general election
30 between the date of notice and the beginning of the alternate
31 residency procedure.

32 *SEC. 2. Section 2275 is added to the Elections Code to read:*

33 *2275. The Department of Motor Vehicles shall do all of the*
34 *following:*

35 *(a) At least 60 days prior to any statewide election, post a*
36 *notice instructing all persons what they must do to register to vote.*
37 *The posted notice shall be at least 24 inches wide and 30 inches*
38 *high and shall be posted in a location where it can be easily read*
39 *by the public.*

1 **(b)** *Develop and implement a system to ensure that each person*
2 *at every branch office is verbally asked by a Department of Motor*
3 *Vehicles employee if he or she wishes to register to vote. The*
4 *department shall report to the Legislature and implement the*
5 *system by June 30, 2002.*

6 **(c)** *Beginning at least 60 days prior to any statewide election,*
7 *provide work space in each branch office for the county elections*
8 *official and deputy registrar of voters to register voters. The*
9 *department shall coordinate with the county elections official*
10 *regarding the amount and location of space needed to register*
11 *voters.*

12 ~~SEC. 2.—~~

13 **SEC. 3.** Chapter 5 (commencing with Section 2300) is added
14 to Division 2 of the Elections Code, to read:

15
16 CHAPTER 5. VOTERS BILL OF RIGHTS
17

18 2300. **(a)** The voters and the public have all of the following
19 rights:

20 **(1)** A voter has the right to ask questions regarding election day
21 procedures of the precinct board and to receive an answer or be
22 directed to the appropriate elections official for an answer. In the
23 event that the precinct board determines that persistent
24 questioning by a voter or voters is resulting in a delay of voting
25 sufficient to cause other voters to forego voting because of
26 insufficient time or for fear of unwarranted intimidation, the board
27 may discontinue responding to questions by a voter or voters.

28 **(2)** A voter has the right to request and receive a new ballot if
29 at any time the voter feels he or she has made a mistake during the
30 voting process but before his or her vote is finally cast. A voter
31 must return the spoiled ballot to a poll worker or elections official
32 to receive a new ballot. A person voting by absentee ballot may
33 also request and receive a new ballot providing his or her spoiled
34 ballot is returned to an elections official prior to the closing of the
35 polls on election day.

36 **(3)** A voter has a right to a receipt that indicates that the voter's
37 vote was received by the elections officials. The receipt shall be
38 given to each person voting at a polling place. The receipt shall
39 bear no indication of how a voter cast his or her vote. The receipt
40 may be, but is not limited to, a printed slip, sticker, card, certificate,

1 or other indicator that a voter cast his or her vote and that it was
2 properly received by the precinct board or an elections official.

3 (4) A voter has the right to know that his or her vote counts. It
4 is of fundamental importance to the democratic process that all
5 eligible voters understand that their participation in the electoral
6 process is one of the highest and most valued acts of civic
7 responsibility.

8 (5) A voter has the right to have a polling place stay open long
9 enough to accommodate everyone who is present to vote at the
10 time of the closing of the polling place.

11 (6) The public has the right to request and receive public
12 information provided at the polling place, including a list of voters
13 who have voted so get-out-the-vote workers may review the list of
14 those individuals who have voted.

15 (7) Any person with a valid California voter ~~registration~~
16 *notification* card has the right to vote.

17 (8) Every voter whose name does not appear on the voting
18 roster has the right to a provisional ballot at the polling place.

19 (b) The Secretary of State shall develop regulations to
20 implement and clarify the voters bill of rights set forth in
21 subdivision (a).

22 (c) The list of voters' rights set forth in subdivision (a) shall be
23 made available to the public before each election and on election
24 day as follows:

25 (1) The list shall be printed in the statewide voter pamphlet.

26 (2) The list shall be displayed in large type at polling places in
27 a location where voters may easily read it and shall contain the
28 following statements:

29 (A) A voter has the right to ask questions about elections
30 procedures.

31 (B) A voter has the right to receive a new ballot if the voter
32 believes he or she has made a mistake. This applies only prior to
33 a voter casting a ballot.

34 (C) A voter has the right to a receipt indicating that the voter's
35 vote was received by the elections official.

36 (D) A voter has the right to know that his or her vote counts.

37 (E) A voter has the right to vote if he or she is at the polling
38 place at 8:00 p.m.

39 (F) A voter has the right to vote if he or she has a valid
40 California voter ~~registration~~ *notification* card.

1 (G) A voter has the right to a provisional ballot whenever his
2 or her name is not listed on the voting rolls.

3 (H) The public has the right to review public information
4 available at a polling place.

5 (3) The list shall be displayed on the ~~website~~ *Web site* of the
6 Secretary of State and that of any county elections office that
7 maintains a ~~website~~ *Web site*.

8 (4) Local elections officials shall read the list to a visually
9 impaired voter, on request.

10 ~~SEC. 3.—~~

11 *SEC. 4.* Division 4.5 (commencing with Section 4500) is
12 added to the Elections Code, to read:

13
14 DIVISION 4.5. VOTING MODERNIZATION

15
16 CHAPTER 1. THE VOTING MODERNIZATION ACT

17
18 4500. The Legislature finds and declares all of the following:

19 (a) California's system of elections can be improved by the use
20 of current and emerging technologies to increase the security,
21 accuracy, accessibility, and confidence in our elections process.

22 (b) Technological advances can be a valuable tool in increasing
23 voter participation, providing information, and improving
24 awareness of and knowledge about elections and our elections
25 process.

26 (c) The state shall provide assistance, guidance, and matching
27 funds to assist counties in implementing technological
28 improvements to their elections processes.

29 (d) Greater outreach and education on the rules and guidelines
30 of the voting process are needed to improve voter participation.

31 4505. (a) The Secretary of State shall provide assistance to
32 counties to modernize the counties' voting process.

33 (b) To be eligible for consideration and assistance, counties
34 may submit requests for modernization funds directly to the
35 Secretary of State. Participation by a county is voluntary.

36 (c) The Secretary of State shall develop criteria to be used to
37 evaluate county requests for modernization assistance. The
38 criteria shall include, but not be limited to, the need for elimination
39 of punchcard ballots, the need for greater access to, and accuracy
40 of, the electoral process, and the willingness and ability of the

1 county to provide an electronic voting system with the ability to
2 produce an accurate and verifiable paper audit of every vote cast
3 on each voting system.

4 (d) The Secretary of State shall submit county requests for
5 modernization assistance to the Voting Modernization
6 Commission established by Section 4510. The commission shall
7 consider and evaluate each request using the criteria developed by
8 the Secretary of State pursuant to subdivision (c) and submit its
9 recommendations to the Secretary of State for appropriate action.

10 4510. The Voting Modernization Commission is hereby
11 established, consisting of eight members. Three members of the
12 commission shall be appointed by the Governor and shall be
13 representative of southern, northern, and rural geographical areas
14 of the state. One member of the commission shall be appointed by
15 the Speaker of the Assembly, one member shall be appointed by
16 the Senate Committee on Rules, and one member shall be
17 appointed by the Attorney General. Two members shall be
18 appointed by the Secretary of State. The commission shall consist
19 of members who are representative of a broad demographic
20 spectrum indicative of the state's electorate.

21 4515. The Secretary of State shall establish a statewide voter
22 education media campaign. No governmental or elected official
23 shall appear, or be referenced, in the voter education campaign.

24 4520. It is the intent of the Legislature to enact legislation to
25 codify uniform recount guidelines, reform the current "motor
26 voter" process, and establish a mechanism to implement complete
27 mandatory voter file maintenance in counties.

28
29 CHAPTER 2. ONLINE VOTING PROGRAM
30

31 4600. The Legislature finds and declares all of the following:

32 (a) The use of modern electronic voting methods should be
33 explored to help increase participation, fairness, and accuracy in
34 the electoral process.

35 (b) Online voting can help achieve this goal, provided that
36 standards and practices can be developed that will prevent misuse
37 of an online voting system.

38 (c) Secure online voting in a polling place shall be used as the
39 first step to achieve secure online voting from a remote location.

1 (d) Issues such as the “digital divide,” voting fraud, integrity
2 of the system, ballot security, and secrecy of balloting, among
3 other matters, should be addressed.

4 (e) In implementing online voting, the Secretary of State and
5 other elections officials should make every effort to eliminate
6 barriers to participation by voters who are members of
7 demographic groups that have traditionally suffered from a lack of
8 exposure and access to computers, the Internet, and other forms of
9 new technology.

10 4602. As used in this division:

11 (a) “Online voting” means the casting of a secure, secret, and
12 verifiable electronic ballot that is transmitted online to elections
13 officials or a certified tabulation center.

14 (b) “Online voting system” means an election system certified
15 for use by the Secretary of State that uses electronic balloting to
16 allow voters to transmit their voted election ballots online to
17 elections officials.

18 (c) “Certified tabulation center” means any location certified
19 by a county elections official to be used specifically for collecting,
20 counting, and preserving electronically transmitted ballots in a
21 secure, secret, and verifiable form.

22 (d) “Program” means the Online Voting Program authorized
23 by this division.

24 4604. (a) An Online Voting Program shall be established
25 under the direction of the Secretary of State. The program shall
26 ensure that the use of an online voting system is viable, accurate,
27 secure, fair, effective, and accepted by the public as a
28 supplementary method of voting in local elections held in whole
29 or in part within a participating county. An election with a state
30 candidate or state ballot measure may not be included in the
31 program.

32 (b) The program shall allow voters to engage in online voting
33 by using a computer at any one of various county-controlled
34 polling places within the participating county. The online voting
35 system may supplement, or replace, the voting system in place in
36 the participating counties.

37 4606. (a) The Secretary of State shall authorize counties to
38 participate in the program. Authorization shall be based on criteria
39 developed by the Secretary of State.



(b) Participation by an authorized county in the program is voluntary and subject to approval by the board of supervisors of that county.

4608. (a) The Secretary of State shall establish standards for online voting systems for purposes of the program. The standards shall conform with current federal and state law, include standards applicable to all currently certified voting systems, and ensure the accuracy, security, integrity, and usability of online voting, and the ability to produce an accurate and verifiable paper audit of every vote cast on an online voting system. The Secretary of State shall certify an online voting system for use by an authorized county based on a determination that the online voting system meets these standards.

(b) The Secretary of State shall develop procedures for online voting under the program.

SEC. 5. Section 12302 of the Elections Code is amended to read:

12302. (a) Except as provided in subdivision (b), each member of a precinct board shall be a voter of the county, except that county employees used as poll workers may reside outside of the county. The member shall serve only in the precinct for which appointment is received.

(b) In order to provide for a greater awareness of the elections process, the rights and responsibilities of voters and the importance of participating in the electoral process, as well as to provide additional members of precinct boards, an elections official may appoint not more than ~~two~~ five students per precinct to serve under the direct supervision of precinct board members designated by the elections official. A student may be appointed, notwithstanding lack of eligibility to vote, subject to the approval of the board of the educational institution in which the student is enrolled, if the student possesses the following qualifications:

(1) Is at least 16 years of age at the time of the election to which he or she is serving as a member of a precinct board.

(2) Is a United States citizen or will be a citizen at the time of the election to which he or she is serving as a member of a precinct board.

(3) Is a student in good standing attending a public or private secondary educational institution.

1 (4) Is a senior and has a grade point average of at least 2.5 on
2 a 4.0 scale.

3 (c) ~~No~~ A student appointed pursuant to subdivision (b) ~~shall~~
4 *may not* be used by a precinct board to tally votes.

5 ~~SEC. 4.—~~

6 SEC. 6. Chapter 5 (commencing with Section 12500) is added
7 to Division 12 of the Elections Code, to read:

8

9 CHAPTER 5. POLL WORKER TRAINING

10

11 12500. All poll workers shall receive training that includes all
12 of the following:

13 (a) Information about the Voters Bill of Rights set forth in
14 Section 2300 and the regulations developed by the Secretary of
15 State.

16 (b) Information about materials at the polling place that are
17 open to public review at the request of any person during the
18 operating hours of the polling place.

19 (c) Training on how to assist voters whose primary language is
20 other than English.

21 SEC. 7. *Section 14217 of the Elections Code is amended to*
22 *read:*

23 14217. (a) If the precinct board is unable to find a voter's
24 name upon the index of registration and is unable to call the
25 elections official's office on behalf of the voter, the precinct board
26 shall furnish the voter *with* a copy of the card containing the
27 telephone number of the elections official and ~~direct the voter to~~
28 ~~the nearest telephone~~ *provide the voter with a provisional ballot.*

29 (b) The elections official shall assign a sufficient number of
30 qualified persons in the elections official's office who shall receive
31 and answer the telephone calls.

32 ~~SEC. 5.—~~

33 SEC. 8. Section 14228 is added to the Elections Code, to read:

34 14228. (a) Voting materials provided to voters at the polling
35 place shall be made available in large type size on the request of
36 a visually impaired voter. This requirement does not apply to
37 larger size ballots if providing larger type is not technically
38 feasible.

39 (b) All polling places shall have stroller access and be fully and
40 equally accessible to voters with physical disabilities pursuant to



1 the Federal Voting Accessibility for the Elderly and Handicapped
2 Act of 1984 (P.L. 98-435).

3 ~~SEC. 6.—~~

4 SEC. 9. Chapter 5 (commencing with Section 14500) is added
5 to Division 14 of the Elections Code, to read:

6
7 CHAPTER 5. STUDY REGARDING NEW PROCEDURES
8

9 14500. The Secretary of State shall conduct a study to
10 determine the feasibility of extended polling hours, two-day
11 elections, and weekend voting.

12 ~~SEC. 7.—~~

13 SEC. 10. Section 19205 of the Elections Code is amended to
14 read:

15 19205. The Secretary of State shall establish the
16 specifications for and the regulations governing voting machines,
17 voting devices, vote tabulating devices, and any software used for
18 each, including the programs and procedures for vote tabulating
19 and testing. The criteria for establishing the specifications and
20 regulations shall include, but not be limited to, the following:

21 (a) The machine or device and its software shall be suitable for
22 the purpose for which it is intended.

23 (b) The system shall preserve the secrecy of the ballot.

24 (c) The system shall be safe from fraud or manipulation.

25 (d) The system and its parts shall provide a practical and
26 effective means for voters with physical disabilities to cast a secret
27 ballot.

28 (e) *The system shall be designed to either prevent over votes or*
29 *give the voter a warning and a chance to correct over votes, a*
30 *process commonly referred to as “second chance voting.”*

31 ~~SEC. 8.—~~

32 SEC. 11. Section 19340 of the Elections Code is amended to
33 read:

34 19340. A member of a precinct board who has not previously
35 attended a training class in the use of the voting machines and the
36 duties of a board member shall be required to do so, unless
37 appointed to fill an emergency vacancy. If new technologies for
38 voting systems are certified by the Secretary of State for use in a
39 county, a member of a precinct board located in that county shall

1 attend a training class in the use of the new technologies once the
2 county has acquired a new system.

3 ~~SEC. 9.~~

4 *SEC. 12.* Notwithstanding Section 17610 of the Government
5 Code, if the Commission on State Mandates determines that this
6 act contains costs mandated by the state, reimbursement to local
7 agencies and school districts for those costs shall be made pursuant
8 to Part 7 (commencing with Section 17500) of Division 4 of Title
9 2 of the Government Code. If the statewide cost of the claim for
10 reimbursement does not exceed one million dollars (\$1,000,000),
11 reimbursement shall be made from the State Mandates Claims
12 Fund.

